THE COURTS.

Interesting Proceedings in the New York and Brooklyn Courts.

Alleged Violation of the Internal Revenue Law-The Yorkville Police Justiceship-Action to Recover on a Sale of Oil-The Dock Com-

ars' Injunction - Decisions -The Burke-Gardner Case-Business in the General Sessions.

UNITED STATES SUPREME COURT.

One of the Mormon Alleged Murderers. Hessa Stout, Appeals to the Court on the Greand that the Grand Jury in Sait Lake Was diegally Constituted—The "Saint" Up-acting the Old View as to the United States'

diction in the Territory.

WASHINGTON, Jan. 18, 1872. To. 478. Hosea Stout vs. The People of the United Les in the Territory of Utah.—Error to the Su-me Court of the Territory of Utah.—Stout was arrested by the Marshal of the Territory in October ast, under the authority of a warrant issued from ed upon an indictment found by a grand

the district Court of the Third district, purposting to be based upon an indictment found by a grand jury of the Territory, charging him with the crime of murder, committed in 1857. The Grand Jury by whom the indictment was found was composed of twenty-two men, selected by the Marshal, in obedience to an open vonire, issued by order of the Court. There was in force at the time a law of the Ferritory on the subject of the selection of jurors, grand and bett, providing that lists shall be made out in the several commiss by boards of county officers at stated periods, and that the names of persons to constitute jury panels shall, as required, be selected from these lists by lot. In the procurement of the panel by when this indictancal was found it is charged that the provisions of this law were intentionally disregarded, and the selection was made from the inhabitants of the Territory at the discretion of the Marshal.

The accessed upon his arrest was advised that the proceedings were likegal and the indictment and warrant invalid, and applied to the Supreme Court of the Territory for a writ of haceas corpus, and in the application, basing its refusal upon the ground that the Grand Jury had been properly constituted under the act of Congress providing that in the discretion of the Court the venire shall be such the law of the Territory prescribing a mode, and directing that the venire shall be issued by the cierk and to a Territorial marshal are not binding upon the district courts of the Territory, the legislative power of the Territory is constitution of the United States Marshal, and holding that in the discreting of the panels of jarors by the olivery, the legislative power of the Territory is catended to the procuring of the panels of jarors by the olivery the legislative power of the Territory is catended to the procuring of the panels of jarors by the olivers by the oliver of the provisions of the act.

C. J. Hillyer for paintiff in error; Autorney General Hill for the government.

No. 154-County of Pendleton, Ky., vs. Amy. Erfor to the Circuit Court for Kentucky. -The declaration in this cause was founded upon bonds and coupons assued by the Court in payment of a subscrip pons assert by the Court in payment of a subscription to the capital stock of the Covington and Lexington failt odd Company. A deasurer was interposed showing that Amy was not the owner, holder or bearer of the coupons; that he was a citizen of Kentucky, and therefore could not maintain an action against a county of this State in the federal Court; that there was no authority conferred by law upon the County Court of Peadleton county to make the bonds and coupons nor to subscribe the stock for which they were issued, and that certain officers of the Court were increiore without authority to act, and that the whole transaction was void. The plea was overroled, and the case comes here, where the same points are further argued.

UNITED STATES COMMISSIONERS' COURT.

Selling Unstamped Cigars.

Before Commissioner Shields. The United States vs. José Jumquard and Frank Nichola.—The aefendants, who are Spaniards, were arrested on a charge of setting unstamped cigars in Delancey street. It is alleged against them that they had large puckets in their cours, specially made for the purpose, stuffed with eights. They were held in 5500 ban each for examination.

SUPREME COURT-TRIAL TERM-PAST L

An Oil Transaction of slightly Slippery Char-Before Judge Van Brunt.

C. Hartsmith vs. E. P. Millikin & Co. action brought to recover \$6,036 96, with interest from the 6th of February, 1989, for oil sold to the adants jointly with W. H. Parsons. The ott detendants jointly with W. H. Parsons. The off was sold, as claimed by the plantiff, by Chambers Bros., as brokers. It is further claimed that a note or draft promised in payment was never given, and hence the bringing of the present smit. For the defence it is alleged that the sale was not a joint sale, but to Parsons indirectly, and made by Chambers Bros. as principals. An investigation was had in the matter in the New York Produce Exchange and the decendants were expelled from the Board. The case is still on.

Richard H. Huntley for plaintiff and Messrs. Nye and Patterson for defendants.

SUPREME COURT -TRIAL TERM-PART 2. The Yorkville Police Justiceship.

Before Judge Brady. Murray vs. Coniter.—The beginning of the end begins to show itself in this prolonged litigation. defence having concluded, witnesses were called vesterday on behalf of the plaintiff in re

John A. Kennedy, ex-Police Superintendent, testifies that Judge Coulter called at Poince Headquanters on the morning succeeding the charter election, neid December 7, 1869, and that they two had a conversation regarding the vote for Police Justice; he told Counter he was beat.

Joseph P. Huggins, proprietor of Lovejoy's Hotel in 1868, testified that Mr. Coulter and several others came to the hotel on the sta of December; that sr. Coulter entered a ficultious name on the register and engaged a room; that after staying there awhise he asked for a room with a grate fire in it, the previous room being heated with steam; that the room was changed as desired, and that the party remained in the latter room about two hours, when they went away.

in the latter room about two house, away.

John T. Abbott, clerk in Lovejoy's Hotel at the time, corroborated the testimony of Mr. Huggirs,

A. V. Jeanison testified that it was good slegging on December 8, 1889, and that Central Park on this day was flided with sleggis. This was to robut, inferentially, of course, the evidence of Van Brunt, clerk of Judge Coulier, that he was out riding all that day with his wife, in a light buggy, in the Park.

SUPREME COURT-CHAMBERS.

The Injunction Against the Dock Commis-

Before Judge Barrett. The Court was occupied nearly all day yesterday

hearing the argument upon this matter, the full particulars of which were published in yesterday's

Mr. Christopher Flue, representing Messrs. Wil-

lams & Morrison, owners and occupants of the sip and bulknead between piers 34 and 35 North River, and Messrs. Black & Aken, occupying as a dumping ground the sup between piers 38 and 30 North River, made a lengthy and sole argument, occupying nearly three hours. His main points d public wharves for bulkheads has always exlated; second, that the corporation has inted; second, that the corporation has no rights to the where in front thereof, or the land under water, except such as is acquired under the "Bongan Charter of 1980" and the "Montgomery Charter of 1734," and under the various statutes, all of which he cried, running from 1991 to the present charter of 1871. His tailer point was that whatever rights the corporation ever most to the whatrings property in question or to the land under water in front thereof they had conveyed to the grantors of the plannings and those through whom they traced title, reserving only the right of puone streets, as such, on the 14th day of December, 1807. His to-tru point, that the statutes of 1798, 1801, 1803, 1806 and 1812 themselves gave to the plaintings grantors a tee and absolute ownership in the property and of the privileges in question; and title, that the statutes of 1798 and 1871, but are expressly recognized and confirmed thereby. He arged forther that the prefence of taken away by the charter of 1807 and 1871, but are expressly recognized and confirmed thereby. He arged forther that the prefence what the plaintiffs business constituted a nulsance is not established, and that such proposition is a question of fact, to the trial of which the plaintiffs have the common law right of trial by jury, that whatever coultro may be exercised over private business, what was and piers, as to the station of the Port of New York and the Harbor Master, and that the piantiffs even had common law right and the fart of New York and the Harbor Master, and that the piantiffs even had common law right and the Barbor Master, and that the piantiffs even had common law right of the Captain of the Port of New York and the Harbor Master, and that the piantiffs even had common law right and the private were that the piantiffs occupation of the whatever made pulkheads in question and the privateges of the wharves or piers, &c.,

to the carporation and to all other parties; and that the cases were proper cases for the interposition of the equity powers of the Court.

Br. John E. Parsons, representing Messrs. Stacom & Cohen, owners of buildings on the buikhead adjoining the Hoboken ferry, and Mr. Coirce, owner of a barge stationed, here followed in a like prolonged and cogent argument for his clients. He claimed that the Legislature had no authority to conter on the Dock Commissioners the power they claim to exercise over the property of these parties. He cited a sum torongot against the city by Milwankee and carried to the United States Supreme Court and there decided in favor of the plannings, which, he claimed, embodied precisely similar leatures to

and there decided in favor of the planning, which, he claimed, embodied precisely similar features to the present case. He urged further that his clients were sought to be deprived of vested rights under the ordinances of the Corporation, that the Dock Commissioner, was a subordinate department, and that the act creating them gave them no power to destroy buildings.

Mr. A. R. awrence, Jr., appearing for Messra-Peok & Wardell, occupying the builkhead at the foot of Spring street, just entered on his argument when the Court adjourned. He will finish his argument this morning, after which he will be followed by Mr. Richard O'dorman, Corporation Courset, and Messis. Henry H. Anderson and Calvin, representing the Dock Cominssioners.

Receiver at the feature of the feature of the Receiver at the feature of the

Receiver of the Central Savings Bar The Court yesterday appointed Isaac T. Smith receiver of the Central Savings Bank on his filing \$15,000 bonds.

SUPERIOR COURT-SPECIAL TERM.

Decisions. By Judge Barlow. Percy vs. Browne.-Motion to vacate order of

Arrest granted.
Henderson vs. Hill.—Motion denied.
Schlanch vs. Romain.—Order granted.
Rosse vs. 1be Mutual Life Insurance Company. ame. Sissiemann vs. Lang.—Motion granted.

COURT OF COMMON PLEAS-CHAMBERS. The Burke-Gardner Case-Motion to Advance-Lawyers and Reporters.

Before Judge Loew.

Virginia C. Burke, Executrix, &c., vs. 1va C.
Gardner et al., Impleaded.—This is the well-known Burke-Gardner case, which created such excite-nent in this city about two years ago, and came before the Court on plaintiff's motion to advance the cause on the calendar. Mr. A. H. H. Dawson sent herself in Court, and Mr. Andrews, of the firm of Beebe, Donohue & Cooke, appeared to oppose

the motion.

On behalf of the defendants Mr. Andrews claimed that the case was one of persecution on the part of the plantiff, who had used every means within her power to oppress, annoy and marass the defendants.

power to oppress, annoy and harass the defendants.

Mr. Dawson, for Mrs. Burke, contended that a more righteous suit had never been prosecuted, and denvered quite a lengthy address, in the course of which he recapitulated the already well known history of the case, showing how Mr. Alexander nad been possessed of something like \$60,000 when he went to board in the defendant's family, his subsequent sickness; how he was kept in his bedroom to which even the servant girl employed in the Gardner family was denied access; his subsequent death; the denial by deendant that he possessed any property, and the tracing by the plannail of sums of \$8,200, \$1,200, \$100 and various amount, of the aggregate, making together nearly unirteen thousand dollars, a large portion of which is now securable, pendente lite in the hands of the trust commany. At the close of Mr. Dawson's address Mr. An-

At the close of Mr. Dawson's address Mr. Andrews complimented the gentleman upon his effort,
and said he had no cloubt that it would be found
verbation in the newspapers next morning.

Mr. Dawson said that it was just possible that it
might find its way into print, but that if it did it
would be without any influence on his part. He
was quite certain that reporters were in all cases the
best judges of what interested the public. He never
used any attempts to secure publication, either pecuniary or otherwise, but he would say to the gentleman representing the defence that it he (Dawson)
made such addresses as he Andrews) made he
would recommend him to be the reporters liberally
not to publish them. (Hilarious haughter.)

After some for her discussion the count took the
papers, reserving its decision; but there is no doubt
that the motion will be granted, as it is one solely
within the judicial discretion, and certainty should
be granted. Mrs. Borke, a stranger in the city and
il. httng her way alone, and under embarrassing
circumstances against numerous adversar, es, has

circumstances against numerous adversaries, has enlasted many friends in her own behalf, and the sooner the case comes to trial the sooner the defendants will be rai of its annoyances if her case is not valid and good upon its merits.

COURT OF COMMON PLEAS-SPECIAL TEAM.

By Judge Loew.

New York Life Insurance Company vs. Aiger.-See memoranga for counsel.

Murphy vs. Carpenter.—Motion to continue in-

janction granted.

By Judge Larremore.

Stuyvesant vs. Hausel.—See memoranda for

MARINE COURT-PART 3.

Perisions. By Judge Josehimsen.

Heim vs. Rodman. -Case resettied; on file Snow vs. Jobes .- Judgment for plaintiff. \$71 40

and costs, and \$10 allowance. Doran vs. Manix. -Judgment for defendant, with

\$154 so and costs and \$25 allowance.

whytai vs. Shaw.—Judgment for plaintiff for \$49 s3, and for defendant for costs.

Kymer vs. Wilson.—Referred by consent.

Rembeiner vs. Aaron.—Judgment for plaintiff, by stipulation.

Before Recorder Hackett. FOUND GUILTY AND REMANDED FOR SENTENCE. The triat of William Marx, commenced on Tuesin the conviction of the prisoner for an assault on a little girl named Louisa Mader. Assistant District Attorney Suilivan during the progress of the trial offered to prove that at the time Marx swore he was in Michi-gan, in 1856, that he was at Sing Sing Prison serving out a term for burglary, but Mr. Spencer objected, and as the prosecuting officer was bound by the and as the prosecuting officer was bound by the answer which the accused gave to his question, the Recorder, with characteristic impartmenty, sustained the objection and executed the proof. After the jury had rendered a vernet of guilty Mr. Sullivan stated that he had three winnesses in court who positively identified Marx as the man who pleaded guilty to ourglary in the General Sessions in April, 1855, and who was also charged with aroon. At the request of counsel the Recorder remanded Marx for sentence.

BURGLARIES AND LARCENTES.

request of counsel the Recorder remanded Marx for sentence.

John Kelly pleaded gully to burgiary in the third degree, in entering the premises of James Gillegan, on the 20th of November, and stealing \$50 worth of property. Tares years in the State Prison was the sentence of the Court.

Thomas Johns in pleaded guilty to an attempt at burgiary in the limit degre, the charge being that on the 30th of December he removed the slide on the companion way of the schooler whithe fock and store a sliver watch from James M. Laiferty. The Recorder sentenced the prisoner to the State Prison for two years and six months.

Elizabeth Taylor, charged with stealing a fur cape and other articles valued at \$135 from Josephine Patterson, on the 30th of December, pleaded gullty, and was sent to the Sing Sing Prison for two years. William Wilson pleaded gullty to grand larceny in stealing as fixtures and clothing, worth \$100, on the 10th of November, non Louis A. Grass, his Honor sent him to the State Prison for cighteen months.

John Stinson and John Vanderwater (youths)

schoolship and Vanderwater to the Juvenile Asjlum.
Lawrence Dorsay, jointly indicted with John Dougherty, charged with stealing a box of goods from a car belonging to the Central Hudson ruver Railrond Company on the 2/th of November, was placed on trial. As the testimony (which was sighify circumstantial was the same significant portangles, the Recorder directed the jury to render a verdict of not guilty.

COURT CALENDARS-THIS DAY.

COURT CALENDARS—THIS DAY,

UNITED STATES DISTRICT COURT—IN ADMIBALTY.—NOS. 69, 61, 62, 64, 65, 66, 67,

SUPREME COURT—UNAMBERS—Heid by Judge Barrett.—NOS. 78, 9, 34, 54, 59, 64, 72½, 76, 77, 72, 100.

Cait, 102.

SUPREME COURT—SPECIAL TERM—Heid by Judges
Ingranam. Bairard and Cardozo.—Nos. 69, 64,
70, 71, 12, 218, 221, 222, 225, 226, 227, 228, 229, 220,
231, 232, 233, 236, 239, 237, 238, 239, 240, 241, Part
1—Heid by Judge Van Brunt.—Nos. 725, 1010, 1215,
1643, 1631, 1694, 1930, 1979, 2063, 2113, 2169, 2247,
2305, 2315, 2373, 2379, 2477, 2361, 2363, 2364, 2655,
2630, 2651, 2638, 2659, 2166. Part 2—Heid by
Judge Brady.—Adjourned to Monday, January 22,
SUPERIOR COURT—INIAL TERM—Part 1—Heid by Judge Freedman.—Nos. 901, 903, 905, 907, 900
911, 685, 679, 805, 1283, 1293, 107, 1377, Addied
causes—Nos, 1401, 1403, 1409, 1411, 1413, 1415, 1421,
1425, 1412, Part 2—Heid by Judge Moneil.—Calendar same as resterilay.

COURT OF COMBON PLEAS—TRIAL TERM—Part
1—Heid by Judge Latromore—Short Causes.—Nos.
1665, 1712, 1444, 1856, 1467, 1425, 1789, 1885, 1891,
1936, 1900, 1555, 1699, 1906, 1823, 1977, 1356, 1906,
1861, 2022, 2066, 1714, 2051.

MARINE COURT—FRIAL TERM—Part 1—Heid by
Judge Spaulding.—Nos. 3423, 7640, 5258, 6517, 7785,

BROOKLYN COURTS.

SUPREME COURT-CIRCUIT.

Damages for Mnicious Prosecution.
Ectore Judge Tappen.
James T. Tapscott vs. John Claner.—The plaintin n this case, which was reported in the HERALD of

yesterday, sued to recover damages for malicious prosecution. The defendant caused his arrest on the charge of stealing cows. The jury rendered a verdict in favor of planning for \$200.

SUPREME COURT-SPECIAL TERM.

Laying Sewers in Unopened Streets Before Judge Pratt-

In the Matter of the Application to Open Baltic street, from Nostrand to Rochester avenue.—The Water Board petitioned the Court to have Baltic Water Board peutioned the Court to have Baltic and other streets opened for the purpose of constructing a sower. The case came up yesterday, when counsel for the opposition argued that under the statute opening of streets is a power vested in the Common Council of the city, who can only exercise it on petition of the activity owners; but under the eighth section of the actereating the Water Board it is provided that if it is found by the Water Board it is provided that if it is found by the Water Board to be necessary to construct a sower through as unopened street in order to afford an outlet for other sewerage thes may apply to the Court for an order to open the streets. Sewers having been already constructed, the necessity of now constructing their cannot be alreged as a ground for opening the streets against the will of the property owners, and it it could be the facts in this case show that there is no need of the sewer in order to drain any part of the city. If, under the pretence of the sewer being necessary for this portion of the street itself, they can open a street then on the same pretence they could open any street against the wishes of the proverty owners, and so practically take away the power of street opening from the Common Council and thereby render nugatory the provision of the law, which requires the consent of the property owners as preliminary.

Suit to its cover Property.

Sarah Graham vs. Daniel H. McDonald and Others.—The plaintifi brings suit to recover twenty lots of ground on Albany, Troy and Rochester avenues, the detendant McDonald holding the reversion of the property of the provision of the law, which requires the content of the property. and other streets opened for the purpose of con-

nues, the defendant McDonald holding the reversion of the premises and the other defendants having a life estate thereof. The property is a portion of that owned by Prince Graham, a darkey, during his lifetime, and the planting falms to be his widow, his first and only legal wife.

On the part of the defence it is denied that planting is the widow. Prince Graham was banished in 1819 for participating in a slave insurrection in South Carolina, and after his return married three wives, one of whom is sull living. Case on.

A Staten Island Gas Difficulty. Samuel Marsh, Jr., vs. The Board of Supervisors of Richmond County and Others, -This was an application for an injunction restraining the Board from granting vouchers for payment of a claim of the Richmond County Gas Company. The allegation is that the contract for supplying the town of Middleton with gas was obtained through fraud and extends over a longer period than the County Andator had a right to make it. The Town Andators will not audit the bill for 1876, and the Company have applied to the Supervisors.

The Court granted a temporary injunction and made it returnable on Saturday, the 27th inst., at ten O'clock A. M.

BROOKLYN COURT CALENGAR

CPTY COURT.—Nos. 218, 177, 112, 244, 256, 259, 184 175, 207, 220, 270, 271, 272, 273, 274, 275, 270, 280, 281 283, 284, 285, 286, 287, 280, 290, 70, 284, 291, 202.

THE CHARTER AND THE COURTS.

The Recent Alarm About the Jurisdiction of the Court of Oyer and Terminer-What Judge Ingraham Has to Say About R-A

Recent Decision.

The endeavor to raise a sensation at alarm by a ontemporary as to the jurisdiction of the Court of Over and Terminer in the trial of criminal cases since the passage of the charter of 1870 is fairly mot and completely disposed of by the following decision of Judge Ingraham, in the case of "O'Kell vs. The

IN SUPREME COURT—GENERAL TEEM.—William O'Kell vs. The Paspie, & ...—The pinktill in error was tried and convicted in the Court of Oyer and Terminer for arceny of certain bonds and for receiving the same, knowing them to have been stolen. He was convicted of the latter charge. The first objection fa to the sufficiency of the evidence given by Imprica as to the bonds bought by him being the same given to Van Orden by the prisoner.

first objection is to the bonds bought by him being the same given to Van Ocice by the prisoner.

After disposing of this objection the Judge proceeded to consider the next point raised:—

ceeded to consider the next point raised:—

The remaining objection is to the jurisdiction of the Oyer and Terminer, as organized during the trial of the prisoner. By the original charter of New York the Mayor, Recorder and Aldermen were made Justices assigned of Oyer and Terminer. An act passed in 1847, chapter 128, section 3, protocol that the Courts of Oyer and Terminer of the county of New York abould be compased of a Justice of the Supreme Court and any two of the Judges of the Court of Common Piess, the Mayor, Recorder and Addrirmen.

Ly the act entitled "An act further to amend the charter of the City," passed April 14, 1853, section 6, it was provided that no Alderman should thereafter sit or act as Judge in the Court of Syer and Jerminer.

vided that he Aiderman should thereafter all or act as Judge in the town of theyer and terminer.

By an ext supplementary to the last cited act, passed June 44, 1838, section 4, it was provided that thereafter Courts of Oyer and Terminer in and for add city may be held by a Juntice of the Supreme Court, and that all the powers and puriseletton appertaining by law to such Courts shall be possessed and exercises by such Judge.

In the act to amend the charter passed April 14, 1857, the same provisions were repeated, that no Alderman should sit or act as Judge of the Oyer and Terminer, and that Courts of their and Terminer for the city and counts of New York

sensed and exercised by such Judge.

In the act to amend the charter passed April 14, 1857, the same provisions were repeated, that no Alderman should sit or act as Judge of the Oper and Terminer, and that Courts of Oyer and Terminer for the city and county of New York might be held by a justice of the Supremo Court. (section 48.)

All the acts above cited are by their titles repealed by the Edda section of the act to reorganise the local government of the city of New York, pussed April 3, 1879, except the act passed in 1847. The repeat of these statutes dealgrating what Judge anough held the Oyer and Terminer in New York is relied on in behalf of the prisocer, as showing that the Court was not properly organized were the prisoner was tried; and, therefore, that the conviction was lilegal. It is clear that the words of this repealing clause are sufficient, if construed literally, to repeat the whole of those statutes. But there are considerations connected with the subjects matter of the repealing act that with justify a different conduction. It does not follow because the repeal is general smitter of the repealing act that with justify a different conduction. It does not follow because the repeal is general smitted the local is to be repealed whether the property remains a second of construction. (Fotter's Dwarris on Statutes, 168.) The word repeal is to be used in a britted sense and not to be taken as associate, if it appeared on the face of the whole act of the used in a impited sense, (10 East, 563.) In title case the whole soof but the act was to provide for the local government of New York. Nothing was contained in the act on the subject of the courts, nor providing for their organization. There is nothing in the whole act which relates to any other subject than the government of the was intended to repeal everything fucunistsent with or relates to use of medium the word of the revening clause. It was intended to repeal everything fucunistsent with or relate to a subject of the court of the repealing cla

Excitement in the Neighborhood. Snortly after ten o'clock yesterday morning Mr. Richard White, a man seventy-five years of age and a native of England, was crushed by a down train of cars on the Hartem Railroad, at Hoth street and Fourth avenue, and instantly wheel, as skull being crushed and body nortibly musicated. The remains were gamered up and removed to the Morgue, where Coroner Herrman was notified to hold an investigation.

where Coronic Herman and the scene of the occur-rence, attempted to cross the track, and as two trains were approaching from opposite offections he became confused, in consequence of which he was run down and killed as stated. It is said that the wile of Mr. White was run over near the same spot two or three years ago and killed. Directly the who of Mr. White was run over near the a spot two or three years ago and killed. Dire-niter the accident an immease number of pe-guithered about, sud, in discussing the matter came thierself exerted, making threats against ratifold company. Captain Bennett, of the 1 w precinct police, ordered out a strong force of pe-to preserve order and keep the track clear.

THE MURBERER SULLIVAN.

He is Declared Hopelessly Insano-Governor Hoffman Birects That He Be Removed to the State Lunatic Asylum at Auburn-Rosume of the Murder, the Trial, the Conviction and Sentence of the Hafartunate Man

Lawrence Sullivan, the murderer of John O'Brien, has at last been pronounced insane, and will to-lay be removed from the Tombs, where he has been nearly two years, to the State Lucation Asylum, at Auburn.

this unfortunate man have from the first attracted more than ordinary interest, a resume of them may

not be uninteresting.
On the 13th of June, 1870, Sullivan, who had for a long time been on very unfriendly terms with his wile, returned to his home, No. 1 Whitehall street, and at once began abusing his lamily. His mothertaking up a large stick of wood, struck Sullivan several times on the head and breast, whereupon he began belaboring the old lady about the head and shoulders with an umbrella. Hearing the disturbance two or three of the neighbors ran to separate the combatants, and one of them—John O'Conner—took hold of Suisivan and pulled nim out of the John O'Brien. As the two came out

O'BRIEN REMONSTRATED WITH SULLIVAN

O'BRIEN REMONSTRATED WITH SULLIVAN

for having bearen his mother-in-law. Words ensued, and some of the witnesses said O'Brien struck Sudivan and then went up starts. In a moment or two Sullivan ran up aiter him, carrying in his hand a large knife. Going into the room he saw O'Brien stiting in a chair, and approaching him, said, "i wil kil you, you son of a b—," stadoning O'Brien three times as he spoke. He then made his oscape, but was arrested during the evening. Sullivan had always been known as a quarreisone and very intemperate man. During the evening. Sullivan had always been known as a quarreisone and very intemperate man. During the examination before the Coroner he becoming enraged at a Mrs. Bucsley, one of the witnesses against him, selzed hold of the chair upon which he had been sitting and attempted to strike her with it.

On the 20th of June he was committed to the Tombs by Coroner Schirmer, the jury having found that O'Brien came to his death at his fands. From the first he was ugly and crabbed towards the keepers, and refused to talk freely with any of them. On the 15th of December of the same year he was Places of this trial the defence placed Mr. Samuel R. Wells, the phrenologist, on the stand, for the purpose of establishing the fact that the prisoner's head was so poorly balanced that he was subject to the control of his animal impulses to such an extent that his will would have no power, and that, therefore, he could not be responsible for his action. Mr. Wells said "he was an expert in regard to what caused hismit; temporary or otherwise, by the delineation of the character or by the organization as a whole. From the evidence of the prisoner himself in his own behalf, to which he had listened, he should regard him as an imbecile rather than an insone man; I should say that a very slight provocation would quite unbalance him, as he is but an unfortunately or his developed person; he is hut an insone man; I should say that a very slight provocation would quite unbalance him, as he is but an un

of muricer in the first degree, then there is no law in the United States."

THE SENTENCE.

Recorder Hackett, in passing sentence, said:—
"Sullivan, a more wanton and ormal murder has never passed under my observation after thirty years' experience in matters of this kind. You have been most righteously convicted. The closing duty of the Court is to direct that you shad be taken ended to the City Prison, from watence you came, and on the 20th of January (Friday), between the hours of ten and two, you be hanged by the neck until you are dead."

From the time this sentence was passed upon him Sullivan seemed to become insance. When taken back to the prison he steadfastly refused to touch lood, and was at times quite ugly and even violent. He would not speak a word to a soul save his mother and wife, both of whom came irrequently to see him. At one time so violent was his conduct that it was found necessary to remove him to one of the padded ceils, lest he should

BEAT HIS BRAINS OUT

against the stone wall of his own. After a while, however, he became more quiet and no longer refused to eat the lood given him, although he still refused to speak to or even not early of the prison officials or his brother prisoners. Shortly before the arrival of the day for his execution his commact obtained a stay of proceedings in his case. After considerable dealy application was made to the dovernor for the appointment of a commission be Lunatico inquirend, and after still greater dealy this request was complied with, and Drs. Mosher, Brown and White were the three medical experts selected. These gentlemen in December last visited the unformance man, but, like most others, were unable to induce him to speak. After a thorough examination, during which they obtained whatever information incy could from the prison officials, farticularly

man, but, like most others, were unable to mouse him to speak. After a thorough examination, during which they obtained whatever information iney could from the prison officials, particularly those was had been thrown in close contact with mim, they made a report to the dovernor declaring it to be their opinion that the prisoner was nopelessly lisane. In accordance with this report dovernor Hoffman last Wednesday Issued an order for the removal of Salitwan to the State Limatic Asylum at Auburn. Sherif Brennan received the order the alternoon of the day muon which it was issued, and was this moraling see that its provisions are carried into effect.

ST. MARY'S HOSPITAL, BROOKLYN.

This excellent institution, which is situated in Dean street, has worked admirably in the cause of charity since its organization. Last year there Dean street, has worked admirably in the cause of charity since us organization. Last year there were 193 outdoor patients treated there, and there are now seventeen females under medical care remaining. A lying-in department is being fitted out for the use of those who may require the shelter and charity which the hospital accords to nomeless women. The following named ladies have been chosen officers of the mattution for the year 18/2:—Directresses—First, Mrs. E. L. Lowe; second, Mrs. H. D. Ostermoor; third, Mrs. Meline; Treasurer, Sister Emiliana, assisted by Sisters Mary Mars, Ann Frances, Amasiana and Mary Erben; Mr. Daniel Byrne, Secretary, and Mrs. J. E. Bernard, Recording Secretary, and Mrs. J. E. Bernard, Recording Secretary, and Mrs. J. E. Bernard, Recording Secretary, and Mrs. William Dermoth, Mrs. John Colinis, Mrs. H. D. Ostermoor, Mrs. H. Lamarche, Mrs. De. Byrne, Mrs. C.S. Berce, Mrs. John Codey, Mrs. Judge Pratt, Mrs. M. Hennesser, Mrs. William McLaugalin, Mrs. Hooley, Mrs. Thomas Kinsetia, Mrs. Edward Freel, Mrz. E. Lewis Lowe, Mrs. Micham McLaugalin, Mrs. Hooley, Mrs. Thomas Kinsetia, Mrs. Edward Freel, Mrz. E. Lewis Lowe, Mrs. Micham McLaugalin, Mrs. Caleman, Mrs. Daniel Byrne, Mrs. J. E. Bernard, Miss Bush.

Subscriptions to the amount of \$676 were received during the past year, and a balance of \$405 yet remains to the credit of the Rospital. A committee has been empowered to memorialize the Legislature for assistance, which cannot pasty be genied so noble and praiseworthy an insusation.

The Boston Herald gives the following statement of a pugilistic encounter that took place down East

of a puginst electric tast does pace to the quite recently:—

The quiet town of Topsfield has had a sensation in the saape of a good square prize fight, minus the prize, and the community is more scandarized thereat. The principals, its Goodwin and Charles Baxter, had a fend which dated back over two years, at which time Goodwin, who is a burry fellow, gave Baxter, who is a lighter weight, a severe beating. The latter has been mirsing his wrongs, determined to avenge them, and has lately been undergoing a process of training and instruction. Last Thursday he sent a challenge to Goodwin, and the two met in a rethred field near the debet, prepared for the fray. The fight, waren was witnessed by quite a number of persons, iasted twenty-two minutes, and the result was that Goodwin was most severely and effectually purshed by his light but well-trained antagonss. Goodwin was obliged to throw up the sponge; the two then shook hands and the fend was ended.

was obliged to throw up the sponge; the shock hands and the fend was ended.

Navigation of Long Island Sound,—The Greenport (c. l.) Wale man cans attention to the fact that vessels of heavy tournage and deep draught have at times its en the sound passage to New York, notwithstanding the hazards of sich Gate, and asks how will it be when the obstructions there are removed and the danger no longer exists? In contemplation of the large foreign commerce that would take the shorter route by the Sound, and to facilities it, the Watchman suggests that besides the work of the Lighthouse Board, which has been in the main judicous and reasonably comprehensive, a system of harbors at convenient distances—in addition to the few which naturally exist such as New London, Black Rock, New Haven and Bridgeport—might be formed as refugees for the use of vessels during storms of head winds. For the present it urges that Congress should make further appropriations for improving the entrances to Huntington and Port Jederson surfors, and it points out the great advantage and comparative lackity of making a harbor of refuge at lorion's Poust, some six males west of Greenport. Nowhere, it thinks, can so large a benefit to the continerse of Long Island Hound be compassed at as 5 and 7 an expense as here. The subject is really one of importance, and should be duly presented.

THE BANK THAT HAS NOT BROKEN.

cited viere Rapid Payments—A Manufac-tory of Federal Currency Braws Upon— The President Ropes to End the Run-on Saturday and Playe Cash to Loan to the

The excitement among the creditors of the Third

least, so far as numbers are concerned. Indeed, there is an increase. At ten o'clock yesterday moraing there were within its walls 114 persons who had entered upon tickets issued the previous evening, ing for the huge doors to swing inward and admit them to a nearer view of the cords of greenbacks that enthusiasts had located within the prick walls. Ten o'clock—the hour for which scores had regulator, when there was a creaking of rusty linges, a movement of the door, simultaneous with the appearance of several policemen, and President Lyon, who acted as a guard. There was at once great relief depicted upon every counte-nance, and the excited mass of humanity swayed to and fro in vain endeavors for admission. Finally

Total present at ten A. M. (slight increase).......

wao holds ticket thirty-tone, and who will be paid about one o'clock to-day, will draw on ten or twelve books.

When the tellers had ceased paying for the day Mr. Dis. Spenser, of the bank, mounted a chair and addressed the hity-dwe within.

"You will each receive, as you pass the paying teller, a tecket numbered. They will be numbered in the order in watch you now stand in line. These teckets you will present at the side door between nine and hall-past nine and ten in the morning. If you present them after len o'clock, when the doors are opened, they will be useless and holders of them will have to take their places in the line without. If any of you are so unfortunate as to hold high numbers that cannot be reached to morrow, we shall be nightly graceful and flatered to see your genial faces at any future time, especially if accompanied by large rolls of greenbacks, which will be carefully handled by our dispenser of the root of all evil to the timid ones who want to draw out. At the conclusion of Mr. Spenser's speech the depositors gave him three cheers and a hip, hip, nurrah, and quietly flied out into the street. The people who besteged the bank yesterday appear to be less excited, but the number is on the increase daily. Many of them, however, are persons who have already drawn the principal and now seek the possession of their interest. At three o'clock Messrs, Lyon and Green arrived from down town with nearly a ousled of presiback currency, and they declare that their "factory" has not yet been taxed to its utmost capacity to supply the demand. Mr. Lyon expresses the behet that the run will end with this week, when he promised to loan money out of its own pocket to poor depositors with when to open accounts. As there are over ten thousand depositors tall unpaid, and as the Legislature nas called for a critical examination of the listitudion, Mr. Lyon's expectations may not be realized quite so soon as he anticipates. us may not be realized quite so expectations in

DEPARTMENT OF DOCKS

Weekly Meeting of the Board-The Finance

Repor.—Comptroller Green Denounced.

At the regular weekly meeting of the Board of Docks, held yesterday, repairs were ordered on the buikhead between piers 19 and 20 North liver and on the platform and piers 34, 35, 36 and 37 North River. Piers 21 and 33 Norm River not to exceed \$130 each. The losses of pier No. 4 were fined \$50 each day for obstructing the pier. The Auditing Committee reported as follows:—

Mr. AGNEW said that Mr. Green was not in the

city. Mr. HENRY-We are and are attending to our busi-

Mr. HENRY—We are and are attending to our pusi-ness.

The resolution was called up for consideration, Specenes were made by Commissioners Wood, Henry and Agnew condemning the action of the Commiscoler, and stating that the Dock Commission was organized at the express wish of the merchants of the city, and that if the work of the Commission was stopped for want of funds the public ought to know where the responsibility reside.

The resolution as to the bonds was reaffrened.

SUPPOSED POISONING.

On Tuesday morning last Mr. Samuel Hutchings. nearly fifty years of age, a native of this city, and a relative of Surrogate Hutchings, was found, corner of Thirtieth street and Broadway, by an officer of the Twenty-minth precint, quite ill and onable to take care of himself. Mr. Hutchings was immediately taken to fictieve Hospina and placed under the care of sargeon McEride, to whom he presented many of the symptoms of opium poisoning. Mr. Hutenings fance gradually, and deet three hours after admission. Dr. McBride subsequently made a post-mortem examination (twenty-four hours after death) and tound the organs in a healthy condition. In the Dector's opinion death was caused by opium, wooster heach, M. D., however, differs with his professional brother in regard to the poisoning, and has serious doubts about death resulting from posson. Mr. Butchings fad long been a man of very intemperate haous—so much so as to incaracitate him from business, and it is possible an excess of direct may have been the principal cause of ceath. Coroner Koenan will make a further investigation of the matter. nearly fifty years of age, a native of this city, and a

THE OLD MAN OF THE HUDSON.

THE OLD MAN OF THE HUDSON.

[From the Hudson (N. Y.) Star, Jan. 16,7

Thomas Fitzgerald, now living with his son at Rhinecill, in the town of Rhimebock, was born in the county of Waterlord, Iretand, in 1764, and is consequently now los years of age. He came to this consequently now los years of age. He came to this country in 1854, and has been married twice; by his first wife he had five daughters; two are married and living in Iretand, and the other three are dead. His second whie is now residing with her son in Rondout, and has kept house for him for the last three years, his wife being dead. She is now no years oid. The old man's occupation has principally heen laboring and fishing. He has been a man of temperate habits, though he sing tobacco, never out once called a doctor, and that on account of a leion on one of his fingers; but once in his life took a dose of salts; never mas had the toothere, though he is now fast losing teeth. His hearing is very much impaired, though he still retains his memory. His eyesight is good, and he can alread a needle at arm's length; can strop a razor and shave nimself; can dress and undress. Three years ago, while living in Rondout, he cut six corus of wood tarough the year, and during the past year has cut up one cord into about fourteen inches, not that this compalisory, he is also fond of saving and patching, though not required. He has two sons in this country, one in Rondout and the other at Rhinectiff. He has at present living around him twelve grandchildren, although no has lost considerable track of them.

His son Thomas, with whom he resides, by his second whie, when only sixteen stood sponser to his second whie, when only sixteen stood sponser to his second whie, when only sixteen stood sponser to last twenty-one years, and won't get up until he has hushed his breakfast. At the time of the Irish rebellion, in 1793, he was a man of thirty-two years. He is unquestionably one of the oldest, it not the oldest man in America.

ROBBERY IN BAXTER STREET.

Last Tuesday night Bridget Driscoll, of 42 Baxter street, was robbed of a quantity of under linen of the value of \$150, one shawl of the value of \$25, a muff and victoring of the value of \$25 and two sliver watches valued at \$100—in all, \$340 worth of property. Sha could get no clue as 10 who the thickes were until yesterday morning, when a tricad of hors mioraned her that Issue Thompson and William Wintaker had been heard to say they had taken the things. She accordingly had those two gentiumen arrested and taken to the Tombs Poice Court, where Judge Hogan locked them up in deliant of balls.

THE LAWSUIT OF THE PERIOD

A Widow of Forty-eight Sues an Old Man for Breach of Promise.

A Proposal and Its Acceptance While the De fendant's Wife is Living-He Jilts the Plaintiff After His Wife Dies and Weds Another-The Trial at Kingston, N. Y .- First Day's Proceedings.

KINGSTON, N. Y., Jan. 16, 1872. The peculiar features in the famous case of "Rardel vs. Pickwick," as recorded in Dickens, vol. 1,
p. 101, of which courts, jurors and the many thousand
intelligent readers of the Henald are, doubtless,
familiar, found its equal, if not its superior in many respects, this morning in the case of QUIMBY VS. JAMES,

which was called up for adjudication at the session of the Supreme Court of the State of New York, now

being held at Kingston, Judge Ingalis presiding.

The case, a most remarkable one, has kept the "society" people of Kingston, Saugerties, and, in last, the ditte of the whole county of Uister, on the qui vive for several months past. The high social and religious standing of both the plaintiff and the defendant, their reputed wealth and influence in the community in which they reside, the scandalous disclosures made upon the trial, and, above all, the

and the strange circumstances surrounding the case, make it one of unusual interest.

the community that at an early hour this morning the court room was filled to its utmost capacitythe bar, aistes, and in fact every inch of standing room being taken. A large portion of the audience was of the har sex from Poughkeepsie, Saugerties and Kingston, who, dressed in their rich tollers and

A PERFECT GALAXY OF BEAUTY.

After the empaneiling of the jury the counsel for the plaintiff laid before them in eloquent terms his chent's grievances, alleging that the defendant. James James, of the town of Saugernes, did on or about the month of June, 1868, and since then and prior thereto, enter into an agreement of marriage with the plaintiff, Ruchel Ann Quimby, also a resicent of Saugerties; that in the month of July, 1868, he gradually grew

DARK AND MYSTERIOUS, soon treated her with coldness and indifference, and at last refused to make good his marriage contract; that he has since married one Mrs. Margaret Smallhorn, to the damage of the character, feeling and affections of the said plaintiff to the amount

The first witness called in behalf of the prosecution was the plaintiff, Mrs. Rachel Ann Quimby, a widow lady of about fifty years of age, aithough window lady of about fifty years of age, although looking to be many years younger. She wore a black sik dress, veivet cloak and tasty bonnet, oresenting a very recherche appearance and stail retaining traces of baving been a most remarkably beam third woman. She gave her testimony in a clear, fluent manner; but upon her cross-examination, which was a searching and severe one, she became very emotional and at times wept bitterly. She testified as follows:—

I live at Sangerties; was forty-eight years of age last July; I was married to Thomas Edwards in the year 1869; my husband died in 1865; in 18.2 in married John Quamby; be clied in the spring of 1865, white away from home; the defendants frost who was Phebe adwards, a sister of my first hosband; shouled the later part of April, 1298; sho had been Instanc for two or six years prior to her neath; she died from insanity; Mr. James called upon me Mr. Junes called upon me A FEW DAYS AFTER HIS WIFE'S DRATH and talked to me of her death; he said that she had been t

Mr. James called upon me and the A Price Days Are and taken to the A Price Days Are and taken to me of her death; he said that she had been dead to him came for live or are years, and that she had been dead to him for a first of the control of th

name was Join Quimby; I had one child by him, a hitle boy, who died in the spring of 186; I have three daughters by my first himband; my youngest daughter is twenty years of age.

I now live with my oldest daughter; it was only a few days after the death of Mrs. James that the defendant made me a promise of marriage; three or four weeks after he made me it is econid prunosition of marriage; every time he came to see me he would say, "I will be glad when the time comes for us to be married?" he gave me the ring after the second prunise; I have never slated to any one that I was Ense aleast on any one that I was I know Mr. Hippains; I never so stated to him; I did say to them that that Mr. James had asked me to remain single and to wait for him; I did say that Mr. James and daked in the was welled for him the talk so; I have with my second must and about server years; in was a very closhpaided man; I did not separate from him to talk so; I have with my second man and about server years; in was a very closhpaided man; I did not separate from him the mas a very closhpaided man; I did not separate from him the mass a very closhpaided man; I did not separate from him the mass a very closhpaided man; I did not separate from him the pass to place; I have a say the waster of the most of less in the Poor House in Greene county; as a general thing we had the did not been for his artiking; I have a say that the last not been for his artiking; I have any had a say that the last not been for his artiking; I have any had any quarries I it has not been for his artiking; I have had any quarries I it has not been for his artiking; I have not had any mapping together; we never would have had any quarries I it had not seen from his did not seen for his artiking; I have had not provide for me at all; I was oblised its support him; I furnished even his colories; I h

I know John Myera; he has called upon me ocasionany; any phones; i have been out rowing with him on the creek with another lasy; I have weat with him alone; I have been out remained to Mr. Hanna.

With him, but not alone; I was never driven away from Mr. James' house; I never was enraged to Mr. Hanna.

Charries W. Siyles, sondin-law of the relabelist, was next ealled to the stand, and testined as follows: a cancer of a village of Sangeries; was not plaintiff; and acquaintiff with the stand of sangeries; who is plaintiff; an acquaintiff with the same in the plaintiff; an acquaintiff with the same in the same in the same of the marriage of Mrs. Quinney; the first conversation I had with him was in May, 1985; he was at my house; he wanted me to try and get mother to break up housekeeping and come and live with me; he said be would it up a room for her; he wanted me to persuals her not to take any more boarders; he said the last aways worked hard, and that it would only be about time before lawy would be married; I told him I would not do it! I was not favorable to the match; at another time he was at my house and said; 'Did you see the ring I gave your mother; 'I maid, 'Yes,' he asked me what I thought of R; I said it was a nice ring; he said it anoth to be, R oost \$10; he then asked me it in outons what higher she wors to on, I said you, on the engagement inger; he said we are to be married soon.

Cross-cramined—My mother-in-law was talked about considerably; she was talked about for acquing company with Mr. James as soon after the death of his wid.

The next winess called about for acquing company with Mr. James as soon after the death of his wid.

The next winess called a should be a said when the was the following the was talked about for acquing company with Mr. James as soon after the death of his wid.

The next winess called a should be a said to be feeled and the winess after any sworn. She testified a substantially toe same as her husband. No new facts were elected. The plantiff here rosted her case, and